

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17424 of 2015

Arising Out of PS.Case No. -71 Year- 2014 Thana -BAHERI District- DARBHANGA

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Mantun Sharma @ Mantun Kumar Sharma, son of Pulinder Sharma
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 498A, 376 and 379/34 of the Indian Penal Code.

The prosecution case is that the informant was married to Pawan Kumar Sharma, the elder brother of the petitioner, about eight years prior to lodging of the case and blessed with a child. Subsequently, husband of the informant died, two years prior to lodging of the case and thereafter she was given assurance by the family members that she will be married with the petitioner. Consequently, the petitioner established physical relationship but the marries was not performed between the petitioner and the informant.

It is submitted by learned counsel for the petitioner that

neither the petitioner performed marriage with the informant nor there is any proof with regard to establish of physical relation and the petitioner was unemployed at the time of death of his brother.

On joint prayer of the parties, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority. But it appears from the report of the Mediator dated 08.12.2015 that in spite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

Considering the fact that the informant herself admits that her marriage was never performed with the petitioner and there is no medical report or any document to suggest that the informant was ravished by the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with Baheri P.S. Case No.71/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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